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Exempt from filing fees per Gov. Code § 6103

Attorneys for Defendant, SACRAMENTO CITY
UNIFIED SCHOOL DISTRICT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

DUSTIN WATSON,

Plaintiff,

v.

SACRAMENTO CITY UNIFIED
SCHOOL DISTRICT; and DOES 1
through 50, inclusive,

Defendants.

Case No. 2:22-cv-00679-KJM-AC

**NOTICE OF MOTION OF DEFENDANT
SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT [FRCP
12(b)(6)]**

Hearing Date: September 9, 2022

Time: 10:00 a.m.

Location: Courtroom 3

Judge: Hon. Kimberly J. Mueller

Complaint Filed: April 18, 2022

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 9, 2022, at 10:00 a.m., or as soon thereafter as the matter may be heard in the above-entitled Court, Defendant SACRAMENTO CITY UNIFIED SCHOOL DISTRICT will move to dismiss each and every claim against them.

Defendant's Motion to Dismiss will be based upon the authority granted in Federal Rules of Civil Procedure, Rule 12(b)(6) and based on the following grounds:

That the sole claim under 42 U.S.C. section 1983 for violation of First Amendment rights to free speech and freedom of association be dismissed on the ground of Eleventh Amendment

immunity. Belanger v. Madera Unified Sch. Dist., 963 F.2d 248 (9th Cir. 1992).

This Motion will be based on this Notice of Motion, the Memorandum of Points and Authorities, the Declaration of Madison M. Simmons and its corresponding exhibits, and on the papers and records on file herein, and on such oral and documentary evidence as may be presented at the hearing of this motion.

Dated: August 2, 2022

MATHENY SEARS LINKERT & JAIME, LLP

By: /s/ Madison M. Simmons

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CITY UNIFIED SCHOOL DISTRICT

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